

REMARKS

Claim 15 has been canceled without prejudice, and therefore claims 14 and 16 to 26 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Claims 14 to 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,388,896 ("Hartmann") in view of U.S. Patent No. 6,030,055 ("Schubert").

In rejecting a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claim 14 includes the feature of linking a first value of a first brake pressure in a first wheel brake cylinder allocated to a first wheel of the two wheels with a second value of a second brake pressure in a second wheel brake cylinder allocated to a second wheel of the two wheels, *in which the linking is given on the basis of hydraulic pressure differentials dropping at respective intake valves including a first intake valve and a second intake valve*. The Office Action admits that "Hartmann lacks the concept of employing a differential pressure in the first intake valve and in the second intake valve in the controlling method," but relies on the "Schubert" reference.

Even if it were proper to combine the references (which is not conceded), the combination of the "Hartmann" reference with the "Schubert" reference does not render claim 14 obvious. Claim 14 specifically provides that the linking a first brake pressure with a second brake pressure be *given on the basis of hydraulic pressure differentials dropping at respective intake valves including a first intake valve and a second intake valve*. While the "Hartmann" reference may refer to determining the difference in pressure between two

wheels, the “Hartmann” reference does not disclose nor suggest the feature of *linking the hydraulic pressure differentials dropping at respective intake valves including a first intake valve and a second intake valve*, as provided for in the context of the claimed subject matter. Furthermore, while the “Schubert” reference may refer to determining the pressure differential across the valve arrangement of one wheel, the “Schubert” reference does not disclose (nor suggest) the feature of *linking the hydraulic pressure differentials dropping at respective intake valves including a first intake valve and a second intake valve*, as provided for in the context of the claimed subject matter. Therefore, the references as applied cannot and do not disclose the claim 14 feature of *linking the hydraulic pressure differentials dropping at respective intake valves including a first intake valve and a second intake valve*, so that claim 14 is allowable for these reasons alone.

Nevertheless, to facilitate matters, claim 14 has been rewritten to include the features of original claim 15, so that it includes the feature of determining a second pressure differential of the hydraulic pressure differentials dropping at the second intake valve from a first pressure differential of the hydraulic pressure differentials dropping at the first intake valve and *determining, from the second pressure differential, a coil current for generating the second pressure differential*. The “Hartmann” reference only refers to “controlling a build-up of braking pressure on at least one of a first and second wheels of an axle of the vehicle such that a pressure differential between the braking pressure on the first and second wheels does not exceed the preselected threshold pressure differential,” (col. 5 lines 39-44), and “if the absolute value of the differential value . . . exceeds the comparison value . . . then . . . one of the valves . . . allocated to the wheels . . . is triggered to prevent a further build up of pressure on the corresponding wheel having the higher pressure.” (Hartmann, col. 4 lines 48-54.)

Accordingly, the method of “Hartmann” apparently prevents the pressure difference between two wheels from exceeding a threshold pressure difference. In stark contrast, claim 14, as presented, provides for determining first and second pressure differentials and *determining, from the second pressure differential, a coil current for generating the second pressure differential*, so that claim 14 is to a method where the second pressure differential is generated by determining an appropriate coil current. The “Hartmann” reference does not disclose (nor suggest) generating a second pressure differential or even generating a second pressure level. The method of the “Hartmann” reference only prevents the pressure difference between two wheels from exceeding a threshold difference.

The secondary “Schubert” reference does not cure (and is not asserted to cure) the above-described deficiency of the primary “Hartmann” reference. Even in view of the teachings of the “Schubert” reference, the features of claim 14, as presented, would not have been obvious because the “Hartmann” reference only refers to preventing the pressure difference between two wheels from exceeding a threshold value. There is no disclosure or suggestion in either the “Hartmann” reference or the “Schubert” reference of the feature of *determining, from the second pressure differential, a coil current for generating the second pressure differential*. As explained in the specification, this feature “allows a particularly simple and robust control, since a predefined current can be set substantially more easily than a predefined pressure differential.” (Specification, page 1, lines 29-31.)

Accordingly, claim 14, as presented, is allowable, as are its dependent claims 16 to 23.

Claim 24 includes similar features like those of claim 14, as presented, and is allowable for essentially the same reasons as claim 14. In particular, claim 24 includes the feature of a logic arrangement for linking a first hydraulic pressure differential dropping at the first intake valve and a second hydraulic pressure differential dropping at the second intake valve. Although the “Hartmann” reference may refer to the difference in pressure between two wheels and the “Schubert” reference may refer to the pressure differential across the valve arrangement of one wheel, the combination of the two references simply does not disclose nor suggest the feature of a logic arrangement for linking a first hydraulic pressure differential dropping at the first intake valve and a second hydraulic pressure differential dropping at the second intake valve, as provided for in the context of the claimed subject matter. Furthermore, claim 24 provides that the hydraulic pressure differentials are linked, as opposed to only comparing pressure values with a combination of the “Hartmann” and “Schubert” references.

Accordingly, claim 24 is allowable, as are its dependent claims 25 and 26.

In summary, all of claims 14 and 16 to 24 are allowable.

Conclusion

In view of the foregoing, it is respectfully submitted that pending claims 14 and 16 to 26 are in condition for allowance. It is therefore respectfully requested that the rejections be withdrawn. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

KENYON & KENYON LLP

Dated: _____

1/28/2008

By: _____

Gerard A. Messina
Gerard A. Messina
Reg. No. 35,952
One Broadway
New York, NY 10004
(212) 425-7200

CUSTOMER NO. 26646

*leg no.
33,865
Ann C.
DEDICATED*